



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/828,480 Confirmation No.: 7194
Applicant : John Lair *et al.*
Filed : April 21, 2004
Title : Wireless Headset For Communications Device
TC/Art Unit : 2681
Examiner: : Wayne Huu Cai

Docket No. : 64337.000002
Customer No. : 21967

**DECLARATION UNDER 37 C.F.R. § 1.132 OF RANDY BAILEY
SUPPORTING PATENTABILITY AND TRAVERSING REJECTIONS IN
OFFICE ACTION DATED AUGUST 22, 2005**

I, Randy Bailey, being over eighteen years of age, declare, depose and state the following:

1. My name is Randy Bailey. I am the Vice President of Federal and Military Sales of Radeum, Inc. ("Radeum"). Radeum is doing business as FreeLinc.
2. I have been involved with marketing Radeum's FreeMotion 200 product to military and law enforcement personnel for the past 9 months. Virtually every individual I have met with has been extremely interested in testing and purchasing FreeMotion 200 product. Further, the individuals I have met with all recognize that no other company currently is or previously has offered a wireless headset for use with two way radios.
3. Many of Radeum's customers have contacted me and others at Radeum to express their interest in Radeum's FreeMotion 200 product and provide feedback on the FreeMotion 200 product. Attached as Exhibits are emails, letters, and other correspondence that Radeum has received from individuals interested in Radeum's FreeMotion 200 product. These testimonials from persons in the market demonstrate that no wireless headset for two-way radios previously existed in the market, there is extreme interest in the FreeMotion 200 product, and that the FreeMotion 200 product will be success in the marketplace.

The undersigned declares further that all statements made herein of his own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: December 12, 2005

Randy Bailey
By _____
Randy Bailey

EXHIBITS



-----Original Message-----

From: Radabaugh, Charles J. [mailto:Charles.Radabaugh@ic.fbi.gov]
Sent: Thursday, September 15, 2005 5:54 PM
To: Randy Bailey; tsmith@freelinc.com; tsmith@freelinc.com
Subject: Freelinc, Freemotion 200 Wireless Headsets

Randy,

I have been working for the Federal Bureau of Investigation since 1982 first as an Electronics Technician and later as a Telecommunications Manager. The FBI considers radio communications to be a critical part in our daily operations within the FBI. To my knowledge there is nothing else on the market that allows the freedom and security that your product does. I know the Integrated Wireless Network (Part of DOJ) which supports the radio communications system that is currently used by the FBI in Seattle, WA is also testing your product and are looking forward to eventually having them available to the IWN system users within both DOJ and DHS.

I have not seen any product like the FreeLinc FreeMotion 200 wireless headset, with the wireless Push-To-Talk button feature. The FBI is currently testing/using these headsets with positive results. We have used them with both our SWAT and surveillance teams. Not only is the FreeLinc wireless headset totally handsfree; it is the first time in my years of service that I have seen a wireless device that offers secure features that can be adapted to our current secure communications. The use of your wireless headsets during a covert surveillance allows our surveillance squads to monitor suspects in a public setting without compromising their identity by talking into a portable radio. Additionally, the wireless handsfree application while operating a motor vehicle during surveillance or responding to an enforcement operation enhances the safety of our agents and the motoring public.

To my knowledge there is nothing else on the market.

Any questions please contact me.

Sincerely,

Charles J. Radabaugh

Telecommunications Manager

Federal Bureau of Investigation

Seattle WA

Desk: 206-767-1506

Cell: 206-423-5920

From: Kevin Albert [mailto:KAlbert@ci.paradise-valley.az.us]
Sent: Tuesday, September 13, 2005 4:06 PM
To: Randy Bailey
Subject: My experience with the FreeLinc FreeMotion 200 headset

My name is Kevin Albert and I am a police officer with the Paradise Valley Police Department in Arizona. I have been an officer here for over 6 years and am assigned to the Traffic Division. I am a Motor Officer, Vehicle Crimes Unit member, Federally Certified Commercial Vehicle Inspector, Field Training Officer, CPR/First Aid/AED instructor, Taser instructor, driver instructor, and various other positions held here at the department. Prior to this I was in the U.S. Navy as a Military Police Officer for 3 years. During this entire time as a police officer, we have always used the Motorola MT2000, which is a great radio. Also used has been the wired microphone. This has always worked great and served its purpose. I thought I had it made. Until I came across the FreeLinc FreeMotion 200 wireless headset. The wire needed to connect the mic to the radio was a thick wire which could have been used against you as a choking hazard by an assailant. This system is extremely easy to use and after a few hours of getting used to having the earpiece around your ear, it's like it should have been there the entire time. When working a special detail or on a traffic stop, you don't need to purchase an earpiece or turn your volume down for others not to hear the radio transmissions. Whether left or right hand, it works for everybody. Once placed comfortably in the ear, use the Push-to-Talk button located on the earpiece and your in business. And if you're on a special detail, you can adjust the sensitivity of the microphone to pick up a whisper. Also if you wish you can use the Push-to-Talk button on the adapter placed on the radio. Or you can always use the button on the side of the radio - that one still works too!

I have not seen anything else like this on the market and have to say I am very pleased with the clarity and function of the headset. This is extremely exciting and I am looking forward to test it more in additional areas to try and include all of facets of law enforcement. The reason I stated some of my duties at the beginning of this email is because in all the duties and assignments I am involved in I have used the FreeLinc FreeMotion 200 to see what were the limits and weaknesses of the headset and have to say I have been extremely satisfied so far!

To me this has been a great trial period and now hope the department will purchase the FreeLinc FreeMotion 200 for all officers who desire to use a wireless headset system from this point forward.

Regards,
Kevin Albert
602-818-1956

09/23/2005

From: Caldwell, Brad A. [mailto:Brad.Caldwell@atf.gov]

Sent: Tuesday, September 13, 2005 4:39 AM

To: rbailey@freelinc.com

Subject: Wireless Earpiece

Randy,

I have been in the telecommunications community for almost 30 years, the last 10 with ATF managing our agency's Land Mobile Radio program. I was very impressed with the FreeLinc Freemotion 200 wireless earpiece communications technology and the Push To Talk (PTT) feature that is a must in the Land Mobile Radio environment. I have never seen this technology in a wireless earpiece product and it is this technology that has our agency very interested in testing and possibly the procurement of some of these wireless devices. Thanks for introducing this new product line of yours to us.

Thanks,

Brad A. Caldwell

Chief, Radio Communications Branch

Office: (301) 519-6879

Cell: (301) 370-0528

Fax: (301) 330-3827

09/23/2005

Hugo Guo
Communications Engineering Associate II, PE
City of Los Angeles, ITA Communications
250 E. 1st Street, Suite 1400
Los Angeles, CA 90012
E-mail: Hugo.Guo@lacity.org
(O) 213-847-6686

I have been in the public safety communications business for four (4) years. I currently am communications engineering associate II with PE license and evaluate new communications technology for LAPD.

I have never seen anything like the FreeLinc FreeMotion 200 wireless headset designed for Motorola XTS5000 portable radio. I have tested the FreeMotion 200 and we are very excited and I plan to order 6 units. To my knowledge nothing like this exists anywhere in the market as a public safety radio accessory for Motorola's XTS 5000 portables.

Scott:

Copenhagen June 22, 2005

I wanted to briefly summarize for you the reason that Axtech, Ltd. is so interested in working closely with Freelinc on the new family of two way radio accessory products. As you know, Axtech is an international company specialized in the design & production of batteries and charging technologies, spanning over many different industrial & consumer sectors. Our philosophy is to provide high quality products at competitive prices, ensure timely deliveries, and provide the best possible customer service. In this industry, bringing new products to market that meet the needs of industrial and consumer customers is vital to success. Freelinc's new product, the FreeMotion 200, which features a wireless headset for two-way radio's with a remote push to talk feature, is a perfect example of providing new products that meet the needs of our customers. Not only does the FreeMotion 200 allow for the freedom and flexibility of hands-free and wireless communications, but it utilizes a very popular and useful push to talk feature that two way radio customers have come to value. The combination of these two technologies and the product focus on industrial two way radio applications is surely a winning proposition.

Although wireless communications and headset accessories are available for other consumer products, Axtech has not seen anyone incorporate these two technologies in product specifically designed for two way radios. We have had this requirement from several of our public safety users in Germany, Scandinavia UK and USA for several years, without being able to provide a sensible solution, therefore, we believe that the product acceptance for police, fire, and all public service customers will be very high.

As you know, we have received samples from you recently and they are being evaluated and tested at this time. Once we have verified the performance capabilities for the product we can enter more formal discussions on delivery and pricing of product for our customers.

We are excited about Freelinc's progress and our close collaboration on this and future products incorporating the wireless communication and push to talk features and look forward to a successful product launch together.

Sincerely,

Tom Dornov
CEO
Axtech Ltd.



CITY OF OREM
DEPARTMENT OF PUBLIC SAFETY

TO: Scott Miller
FROM: Sgt. Gordon Smith
DATE: September 21st 2005
SUBJECT: **Freelinc Freemotion 200**

Dear Scott

I just wanted to write to you about the Freelinc Freemotion 200 that you allowed me to test. I just wanted to let you know how impressed I was with your product. The push to talk option both on the radio and on the headset itself is great. In fact I found myself using the push to talk option on the headset more than the radio option.

I have never seen a wireless option for the two way radios. I have seen several for cellular phones but never the two way police style radios. Being wireless makes the product very valuable to law enforcement. The types with wire that we use, if they are left running on the outside of the uniform then it not only gets caught on items but in a bad situation it gives the suspect one more thing to grab. The wire can also be ran on the inside of the uniform but obviously that is more time consuming and it also puts crimps in the wires. Because of that they break sooner. I know that I was replacing the wired kind at least three times per year.

The other thing I like is how the Freelinc Freemotion 200 fits snugly on the head and into my ear. Within minutes I did not notice that I had it on. I also felt that the size might make it heavy but once again I did not notice that it was there after a few minutes. I did my best to shake my head and have the head set fall off and it did not.

I know the budget constraints involved in running a police department at this time. I am so impressed with the Freelinc technology that I would purchase the Freemotion headset on my own. I just feel it is a safer headset than the wired kind. Thanks for allowing me to test your product and please let me know when your product is on the market.

Sincerely
Sgt. Gordon Smith
Orem City Police Department

-----Original Message-----

From: Victor Perez [mailto:VPerez@sanantonio.gov]
Sent: Thursday, September 22, 2005 8:46 AM
To: rbailey@freelinc.com
Cc: Tony Sutera (Business Fax)
Subject: Waiting in anticipation for the Freelinc Freemotion 200 wireless headset with the push to talk button.

Dear Sirs

I want to thank you for the exciting demonstration of your fine product on the 8th of September in our Radio Conference room.

The practicality of your product, the no tangling mess of wires, the comfortable fit in one's ear and the very high quality audio sound exceeded our highest expectations. The Elite San Antonio Police Department's S.W.A.T. group was very impressed and wants that product right now. I know that your company is working very hard to design this fine product to be compatible with our M/A-COM Radio System so I would like to take this time to ask that you please expedite the process as we want to be utilizing your product as soon as possible.

I have been in the Radio Communication business for over fifteen years and to my knowledge there is no similar product out there with these fine features. I have received numerous calls from my counterparts in other states and cities all asking me what I thought of your demonstration and when will it be available. Glenn A. Shoemaker from Bell County here in Texas., Julian Zamora from the City of Albuquerque in New Mexico, John Pavlovic from Oklahoma City and Jose Perez from Dade County Florida.

We have approx 4,500 portable units on our system, that does not count the two dozen outside agencies that are being programmed to also get on our system. I have plans for this system to be a regional hub for South Central Texas. The process is underway. The make up of diverse customers will be clamoring for your product as soon as you make it available and the sooner the better. Once again please expedite the process

Please do not forget our Fire Department as they need an intrinsically safe unit, they can wear under their headgear and breathing apparatus.

Victor Perez
Assistant Information Services Manager
Communications Division
Information Technology Services Department San Antonio, Texas 78207

-----Original Message-----

From: "Norman Alexander" <alexandern@ci.boulder.co.us>

Date: Thu, 22 Sep 2005 05:53:41

To: <jsabey@mycingular.blackberry.net>

Subject: FreeLinc headsets

John,

I am currently in my 27th year in the electronics field and my 14th year in communications electronics. I am the supervisor of the City of Boulder Radio Shop. The City of Boulder Radio Shop serves not only the City's first responder community but several other agencies in Boulder county. We provide repair services, research and development, product trial services, sales of radio equipment, infrastructure support and installation, and we build all of the mobile equipment used by the city and our customer base. We are currently product/field testing the FreeLinc FreeMotion 200 wireless headset system in a project aimed at liberating our first responders from cabling.

It has been a favorite gripe of our PD, SWAT team, and our Fire Dept. that they detest the cabling associated with headsets and speaker/microphones. Having observed first hand the equipment tangling problems and the radio performance issues associated with cabling crossing the plane of the antenna on the radio, I can understand why the first responders complain. I have been involved in a project to find a commercially available wireless solution to this complaint. The FreeLinc wireless headset with the earpiece PTT is the first of it's kind, I know because I have been looking for something like this for at least 2 years. When I saw the initial advertising for the wireless headset system with PTT I was intrigued and made contact with FreeLinc to obtain units for test. I have since received 2 units for test and the feedback has been overwhelmingly positive. Our SWAT team, detectives and motorcycle unit have all expressed interest in the FreeLinc wireless headsets. The patrol !

officers and traffic units would like to test the wireless speaker/microphone system that is advertised on the web-site.

When the units are available for the Kenwood portable radios we will certainly be interested in purchasing a number of them. Initially the SWAT team will purchase at least 20-25 of these units. Once the speaker/microphone product is available the rest of the PD and the FD will be potential customers. The FreeLinc solution solves our problems, the earpiece PTT on the wireless headset is a real innovation. We look forward to the development of the product line to address other wireless needs.

Norm Alexander
Radio Shop Supervisor
Fleet Services Radio Shop
City of Boulder, Colorado
alexandern@ci.boulder.co.us
(303)-413-7138

From: Steven Gibbs - SHERIFFX [mailto:s_gibbs@MCSO.maricopa.gov] <[mailto:\[mailto:s_gibbs@MCSO.maricopa.gov\]](mailto:[mailto:s_gibbs@MCSO.maricopa.gov])>
Sent: Tuesday, September 20, 2005 8:01 AM
To: Tom Smith
Subject: FreeLinc FreeMotion Wireless Headsets

Tom,
I am the Communications Coordinator for the Maricopa County Sheriffs Office (MCSO) and have been involved in communications for over 26 years either dispatching, supervising or coordinating communications needs for the office. The FreeLinc FreeMotion 200 is a unique product that should move the current wired remote speaker mic to a new level. The ability to have wireless headsets eliminates cords and provides communication security for Jail Detention Officers and Deputies in court security situations. To my knowledge there is no other product currently on the market that provides this kind of technology. Currently MCSO is testing this product in several areas for viability of use.

Steven Gibbs

Communications Coordinator
email: s_gibbs@MCSO.maricopa.gov <mailto:s_gibbs@MCSO.maricopa.gov>
602 876-1886 Phone
602 253-2672 Fax